

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

WI-LAN INC.,

Plaintiff,

v.

HTC CORP., et al.,

Defendants.

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CASE NO. 2:11-CV-68-JRG


CONSOLIDATED WITH

CASE NO. 2:12-cv-600-JRG

ORDER

Before the Court is the parties' Agreed Motion for Bill of Costs (Dkt. No. 640) and the Proposed Bill of Costs (Dkt. No. 641). After reviewing such agreed motion, the Court finds that it is properly GRANTED and hereby enters the Form AO 133 Agreed Bill of Costs, attached to Dkt. No. 641 as Exhibit 1 and appended below, as the Bill of Costs in this case.

So ORDERED and SIGNED this 2nd day of January, 2014.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE

AO 133 (Rev. 12/09) Bill of Costs

UNITED STATES DISTRICT COURTfor the
Eastern District of Texas

WI-LAN INC.,)	Civil Action No. 2:11-CV-68-JRG
Plaintiff,)	(LEAD CASE)
v.)	
)	Civil Action No. 2:12-CV-600-JRG
HTC CORP., et al.,)	(Consolidated Case)
Defendants.)	
AND CONSOLIDATED CASE)	

AGREED BILL OF COSTS

Judgment having been entered in the above entitled action on	<u>October 25, 2013</u>	against	<u>Plaintiff, Wi-LAN, Inc.</u>
the Clerk is requested to tax the following as costs:	Date		
Fees of the Clerk ..Agreed by Wi-LAN and Apple			<u>\$0.00</u>
Fees for service of summons and subpoena.. Agreed by Wi-LAN and Apple			<u></u>
Fees for printed or electronically recorded transcripts necessarily obtained for use in the case..Agreed by Wi-LAN and Apple			<u>\$78,454.85</u>
Fees and disbursements for printing.. Agreed by Wi-LAN and Apple			<u></u>
Fees for witnesses (itemize on page two) ... Agreed by Wi-LAN and Apple			<u>\$15,843.17</u>
Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case... Agreed by Wi-LAN and Apple			<u>\$94,871.49</u>
Docket fees under 28 U.S.C. 1923Agreed by Wi-LAN and Apple			<u></u>
Costs as shown on Mandate of Court of Appeals... Agreed by Wi-LAN and Apple			<u></u>
Compensation of court-appointed experts ... Agreed by Wi-LAN and Apple			<u>\$1,996.40</u>
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828 . Agreed by Wi-LAN and Apple ..			<u></u>
Other costs (please itemize)... Agreed by Wi-LAN and Apple			<u></u>
		TOTAL	<u>\$191,165.91</u>
<i>SPECIAL NOTE:</i> Attach to your bill an itemization and documentation for requested costs in all categories.			<u></u>

Declaration

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:

☒ Electronic service ☐ First class mail, postage prepaid

☐ Other: _____

s/ Attorney: /s/ Mark C. Scarsi

Name of Attorney: Mark C. Scarsi

For: Apple, Inc. Date: 12/20/2013

Name of Claiming Party

Taxation of Costs

Costs are taxed in the amount of _____ and included in the judgment.

By: _____

Clerk of CourtDeputy ClerkDate

UNITED STATES DISTRICT COURT

Witness Fees (computation, cf. 28 U.S.C. 1821 for statutory fees)							
NAME , CITY AND STATE OF RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Days	Total Cost	
Mark Andrew Buckley	2	\$80.00					\$80.00
Taraneh Maghame	1	\$40.00					\$40.00
Steven Louis Sinclair	1	\$40.00					\$40.00
Johnson Obhenevbaire Sebeni	3	\$120.00		\$1,553.08			\$1,673.08
Mohit Narang	1	\$40.00					\$40.00
Ulrich Klaus Amrhein	1	\$40.00					\$40.00
Benjamin Frederick Goldberg	4	\$160.00		\$5,129.57			\$5,289.57
Anthony Acampora	7	\$280.00		\$4,419.07			\$4,699.07
James Carmichael	1	\$40.00					\$40.00
William Christopher Bakewell	6	\$240.00		\$2,155.54			\$2,395.54
Kevin Negus	1	\$40.00					\$40.00
Frank Casanova	1	\$40.00		\$1,425.91			\$1,465.91
					TOTAL		\$15,843.17

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:
“Sec. 1924. Verification of bill of costs.”

“Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.”

See also Section 1920 of Title 28, which reads in part as follows:

“A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.”

The Federal Rules of Civil Procedure contain the following provisions: RULE 54(d)(1)

Costs Other than Attorneys' Fees.

Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney's fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 day's notice. On motion served within the next 7 days, the court may review the clerk's action.

RULE 6

(d) Additional Time After Certain Kinds of Service.

When a party may or must act within a specified time after service and service is made under Rule 5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

RULE 58(e)

Cost or Fee Awards:

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.